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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,986	08/07/2003	Jay S. Walker	01-052	1612
22927 7590 05/25/2007 WALKER DIGITAL MANAGEMENT, LLC 2 HIGH RIDGE PARK STAMFORD, CT 06905			EXAMINER DEODHAR, OMKAR A	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 05/25/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/635,986

Applicant(s)

WALKER ET AL.

Examiner

Omkar A. Deodhar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :8/7/03,1/20/04,2/8/2005,2/10/2005.

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**DETAILED ACTION**

***Non-Final Rejection***

***Information Disclosure Statement***

IDS filed 8/07/2003, 1/20/2004, 2/08/2005 and 2/10/2005 are signed and included for Applicant's records.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graves et al. (US 5,830,067, hereafter: Graves) in view of Rodesch et al. (US 4,099,722, hereafter: Rodesch) in further view of Kelly et al. (US 5,816,918, hereafter: Kelly).**

Graves discloses a proxy player machine, Abstract.

**With respect to claims 1-5, Graves discloses the following:**

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Data representative of a wager amount, (Col. 2. Lines 60-62);

Transmission of a plurality of different signals, (Figure 2);

Graves, however, is silent regarding the limitation of automated play during which the slot machine is not available for manual play, as claimed.

In a related invention, Rodesch discloses an electronic slot machine, (Abstract). An electronic slot machine is interpreted to fully disclose the features pertaining to automated play and manual play. Specifically, after a player makes a wager and the operating arm is operated upon, rotation of reels begins. During the period when the reels are rotating, (automated play) and prior to coming to a stop, the player cannot interfere with the slot machine. The player is locked out of the gaming machine and the machine is inaccessible during this period of time. Once the reels stop rotating, the player can view the arrangement and receive payout if such a payout is indicated by the arrangement of indicia on the reels. After that point, manual control is returned to the player and another wager can be made.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate Rodesch's disclosure of an electronic slot machine and automated play for the purpose of creating a period of anticipation.

Graves is additionally silent regarding the specific method of initiating gaming sessions, as recited in claim 1. It would have been *prima facie* obvious to one of ordinary skill in the art at the time of Applicant's invention to have initiated gaming sessions in the manner claimed for the purpose of regulating game play.

**Claim 6 is rejected as being unpatentable over Graves.**

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Claim 6 recites a version of stacking slot machines on top of one another. It is however, readily recognized in the art that casino floor space is a premium and thus gaming cabinets should be designed and laid out most effectively. Additionally, even outside the art, the need for stacking components is well known. Warehouse cabinets are routinely stacked on top of one another to save floor space.

**Claim 7 is rejected as being unpatentable over Graves.**

Claim 7 recites a version of replacement of a casing. Replacing casings that house items is well known. One of ordinary skill in the art would readily recognize the benefits of being able to replace one casing with another, at least with respect to aesthetics.

**With respect to claims 8-22, Graves discloses the following:**

Communication device associated with a remote player, (Figure 1);

Handheld communication device, (Col. 3. Lines 50-53);

Communication device such as a telephone, (Col. 1. Lines 50-52);

Communication involving Internet protocol address, (Figure 1);

Transmitting signals to a display device (video signals), (Figure 1 & Col. 1. Lines 28-40);

Remote machine identifiers, (it is clear that players playing via proxy are aware of which machine is being played, as are remote players, see also Figure 3);

Indicators of activity such as text communications and flashing lights, (Figures 1-5); (Col. 6. Lines 1-5);

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With respect to claim 12, Graves is silent regarding features of wireless communication.

Kelly discloses wireless communication, (Col. 12. Lines 35-50);

It would have been *prima facie* obvious at the time of Applicant's invention to incorporate Kelly's disclosure of wireless communication technology for the purpose of reducing the amount of cables in a gaming setup.

With respect to claims 15-17, Graves is silent regarding the usage of a camera. Kelly discloses the usage of a camera, (Col. 13. Lines 45-47).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate Kelly's disclosure of camera technology for the purpose of integrating the camera with player tracking elements.

**With respect to claim 23**, Graves discloses features as presented above, but is silent regarding the specific method of operating gaming sessions utilizing cameras, as recited in claim 23. It would have been *prima facie* obvious to one of ordinary skill in the art at the time of Applicant's invention to have initiated gaming sessions in the manner claimed utilizing camera technology for the purpose of further regulating game play.

**With respect to claim 24**, Graves discloses features as presented above, and additionally:

Extensive accounting features, (Col. 3. Lines 14-19 & Col. 5. Lines 22-48);

Graves, however, is silent regarding the specific method of operating gaming sessions as recited in claim 24. It would have been *prima facie* obvious to one of ordinary skill in the art at the time of Applicant's invention to have operated gaming

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sessions in the manner claimed, utilizing accounting subsystems for the purpose of convenient player tracking.

**With respect to claim 25-27, Graves discloses features as presented above.**

***Remarks***

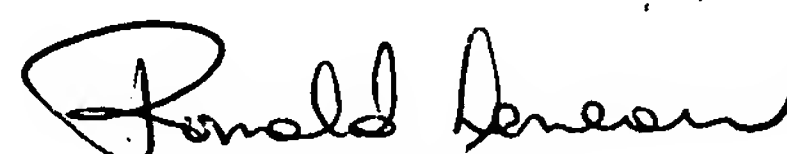
No claim is allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647. The examiner can normally be reached on M-F 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAD



RONALD LANEAU  
PRIMARY EXAMINER

5/23/07